

REMARKS

By this Amendment, Applicants amend claims 1, 11, 12, and 15-23. Claims 1-9, 11, 12, and 15-31 are pending in this application.

In the Office Action,¹ the Examiner required an English-language translation of a foreign reference; objected to the drawings; rejected claims 1, 11, 12, and 23 under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement; rejected claims 12 and 15-31 under 35 U.S.C. § 101 as being directed to non-statutory subject matter; and rejected claims 1-9, 11, 12, and 15-31 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,566,319 to Lenz ("*Lenz*") in view of U.S. Publication No. 2003/0004945 to Teng et al. ("*Teng*").

I. Information Disclosure Statement

During a telephone communication between the Examiner and the undersigned representative on June 12, 2008, the Examiner withdrew the request to file an English-language translation of Stefani, H., "Datenarchivierung mit SAP" ("*Stefani*"), a German reference submitted with the Information Disclosure Statement (IDS) filed on March 7, 2005.

II. Objection to the Drawings

The Examiner objected to the drawings, alleging that several steps in claims 1 and 12 are not shown in the drawings. Applicants respectfully traverse.

¹ The Office Action contains a number of statements reflecting characterizations of the related art, case law, and the claims. Regardless of whether any such statement is identified herein, Applicants decline to automatically subscribe to any statement or characterization in the Office Action.

The claimed step of “storing an identifier (ID) in a second lock object” is depicted at, for example, Fig. 3, ref. 302; Fig. 4, ref. 402; Fig. 6, ref. 603; Fig. 7, ref. 702; Fig. 8, ref. 802; and Fig. 9, ref. 902.² As disclosed in the specification at page 12, lines 20-22, “setting a P- or T-lock . . . means to store an ID . . . in a respective lock object.” Therefore, the step of setting a lock depicted in the drawings provide support for the claimed step of storing an ID in a lock object.

The claimed step of “determining whether the ID is contained in a first lock object” is depicted at, for example, Fig. 3, ref. 304; Fig. 4, ref. 404; Fig. 6, ref. 604; Fig. 7, ref. 704; and Fig. 8, ref. 804. As disclosed in the specification at page 12, lines 20-30, a lock object exists for a data object if an ID associated with the data object is stored in the lock object, i.e., the lock object is set for the data object. Therefore, the disclosure in the drawings of whether a lock object exists for a data object provides support for the claimed recitation of whether an ID of a data object is contained in a lock object.

The claimed recitation “if the ID is contained” is depicted by, for example, “yes” arrows leading out of Fig. 3, ref. 304; Fig. 4, ref. 404; Fig. 6, ref. 604; Fig. 7, ref. 704; and Fig. 8, ref. 804. The claimed recitation “if the ID is not contained” is depicted by, for example, “no” arrows leading out of Fig. 3, ref. 304; Fig. 4, ref. 404; Fig. 6, ref. 604; Fig. 7, ref. 704; and Fig. 8, ref. 804.

² In making reference to the specification and the drawings, Applicants are in no way intending to limit the scope of the claims to the exemplary embodiments described in the specification and the drawings. Rather, Applicants are entitled to have the claims interpreted broadly, to the maximum extent permitted by statute, regulation, and applicable case law.

The claimed recitation “if the link is assigned” is depicted by, for example, “no” arrow leading out of Fig. 8, ref. 805 and “yes” arrow leading out of Fig. 9, ref. 904. The claimed recitation “if the link is not assigned” is depicted by, for example, “yes” arrow leading out of Fig. 8, ref. 805 and “no” arrow leading out of Fig. 9, ref. 904. The specification at page 8, lines 20-25 discloses that “[t]he assignment . . . can be implemented by . . . a link to the second storage location, e.g. a file name.” The specification at page 9, lines 21-24 discloses, “whether a link to the second . . . storage location . . . or to a file on the[] storage location[] is assigned to said ID in said . . . lock object.” Therefore, the disclosure in the drawings of a lock object having an assignment to a file supports the claim recitation of a link being assigned to an ID in the lock object.

The claimed step of “displaying” is depicted by, for example, Fig. 1, refs. 104 and 112, and an output (monitor) depicted at the top of Fig. 1.

For at least the foregoing reasons, the steps in claims 1 and 12 are shown in the drawings. Accordingly, Applicants respectfully request that the Examiner reconsider and withdraw the objection to the drawings.

III. Rejection of Claims 1, 11, 12, and 23 Under 35 U.S.C. § 112, First Paragraph

Applicants respectfully traverse the rejection of claims 1, 11, 12, and 23 under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement.

The Examiner alleges that “the specification does not mention ‘displaying . . . whether the read and/or write access . . . can be performed.’” Office Action at 4. The Examiner further alleges that “[j]ust because there is an ‘output means 112’ and ‘the

application can have read/write access to the data object' does not mean that anything is displayed." *Id.* at 17. However, the specification discloses "general input/output means 104 . . . for sending and receiving data" and "output means 112 for interaction with a user" at page 9, lines 2-4. "[W]hether the read and/or write access on the data object is restricted or can be performed" can be characterized at "data" which is sent to the user via the disclosed output means. In view of the disclosures in the specification and the drawings, it is unreasonable for the Examiner to conclude that "not . . . anything is displayed," Office Action at 17, especially when the specification discloses "present[ing] via a graphical user interface" at page 11, line 25. The output means disclosed in the specification and the drawings display data, including whether the read and/or write access on the data object is restricted or can be performed, to a user. Therefore, the specification and the drawings provide sufficient support for the claimed step of "displaying."

The Examiner alleges that "the specification does not mention . . . 'restricting a read and/or write access on the data object.'" Office Action at 4. Although Applicants disagree with the Examiner's allegation, to advance prosecution, Applicants amend independent claims 1, 11, 12, and 23 to replace "restricting a read and/or write access" with "skipping performing a read and/or write access." Support for this amendment can be found in the specification at, for example, page 4, line 4; page 9, lines 26-27; and page 12, lines 4-5.

Accordingly, Applicants respectfully request that the Examiner reconsider and withdraw the rejection of claims 1, 11, 12, and 23 under 35 U.S.C. § 112, first paragraph.

IV. Rejection of Claims 12 and 15-31 Under 35 U.S.C. § 101

Applicants respectfully traverse the rejection of claims 12 and 15-31 under 35 U.S.C. § 101 as being directed to non-statutory subject matter.

Regarding claims 23-31, the Examiner alleges that the “claims are directed to software per se.” Office Action at 4. Although Applicants disagree, to advance prosecution, Applicants amend independent claim 23 to include “a processor.” Support for this amendment can be found, for example, in the specification at page 4, line 21 and in Fig. 1, ref. 105.

Regarding claims 12 and 15-22, the Examiner alleges that “the computer readable medium includes propagation media, which are commonly carrier waves.” Office Action at 4. Although Applicants disagree, to advance prosecution, Applicants amend claims 12 and 15-22 to recite a “computer readable storage medium,” as suggested by the Examiner on page 18 of the Office Action.

Regarding claim 23, the Examiner alleges that the claimed “[output display] is not an element of the claimed system.” Office Action at 17-18. Although Applicants disagree, to advance prosecution, Applicants amend claim 23 to recite “[a] computer system . . . comprising . . . an output display.” Support for the amendment can be found, for example, in the specification at page 9, lines 1-4 and in Fig. 1. Therefore, no new matter is introduced by this amendment.

Furthermore, Applicants’ claims are statutory for an additional reason. In the Final Office Action mailed October 9, 2007, page 4, the Examiner states that “performing read or write access on a data object . . . may be a tangible result[,] [h]owever, . . . this [tangible result] does not occur in every situation.” In response,

Applicants submit that if even “performing the read and/or write access on the data object” does not occur, the alternative of “skipping performing a read and/or write access on the data object” is a tangible result. Purposefully and actively skipping reading and/or writing a data object to prevent, for example, the problems disclosed in the specification at page 2, line 26 to page 3, line 16, produces a tangible result. Therefore, Applicants’ claims produce a tangible result in every case.

Accordingly, Applicants respectfully request that the Examiner reconsider and withdraw the rejection of claims 12 and 15-31 under 35 U.S.C. § 101.

V. Rejection of Claims 1-9, 11, 12, and 15-31 Under 35 U.S.C. § 103(a)

Applicants respectfully traverse the rejection of claims 1-9, 11, 12, and 15-31 under 35 U.S.C. § 103(a) as being unpatentable over *Lenz* in view of *Teng*. A *prima facie* case of obviousness has not been established.

“The key to supporting any rejection under 35 U.S.C. 103 is the clear articulation of the reason(s) why the claimed invention would have been obvious.” M.P.E.P. § 2142(III), 8th Ed., Rev. 6 (Sept. 2007). “[T]he framework for objective analysis for determining obviousness under 35 U.S.C. 103 is stated in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966). . . . The factual inquiries . . . are as follows:

(A) [Determining the scope and content of the prior art;]

(B) Ascertaining the differences between the claimed invention and the prior art;

and

(C) Resolving the level of ordinary skill in the pertinent art.”

M.P.E.P. § 2141(II). "Office personnel must explain why the difference(s) between the prior art and the claimed invention would have been obvious to one of ordinary skill in the art." M.P.E.P. § 2141(III).

The Examiner states "that the recitation 'a[] [data object] stored in a first storage location' has not been given patentable weight because the recitation occurs in the preamble." Office Action at 18. To advance prosecution, Applicants amend claims 1, 12, and 23 to move elements from the preamble to the body of the claims.

Independent claim 1 recites, for example, "data object . . . stored in a first storage location" and "a second storage location having a copy of the data object [stored in the first storage location]."

Applicants have previously established that "*Lenz* does not disclose a 'second storage location having a copy of the data object,' as recited in claim 1." Amendment filed on January 9, 2008, p. 16 (emphasis in original). "As per Applicant's argument that *Lenz* does not teach ' . . . a second storage location having a copy of the data object . . . ,' the Examiner agrees." Office Action at 18.

However, the Examiner attempts to cure the deficiencies of *Lenz* with *Teng* by alleging that "the claimed 'second storage [location]' is the referenced 'inventory table 14' [of *Teng*]." *Id.* The Examiner's allegation is incorrect.

Teng discloses "[a] database 12 includ[ing] . . . an inventory table 14." *Teng*, para. [0003]. *Teng* further discloses that "the inventory table 14[] . . . includes four data columns, namely a store ('Store') column 22, an item ('Item') column 24, a model ('Model') column 26, and a quantity ('Qty') column 28. *Id.* However, *Teng* fails to disclose that the inventory table 14 has a copy of a data object stored in another table

or in another storage location. Therefore, the inventory table 14 of *Teng* cannot correspond to the claimed “second storage location having a copy of the data object [stored in the first storage location],” as recited in claim 1 (emphasis added).

Furthermore, *Teng* discloses that “the unique key index 42 includes an inventory table index 44.” *Teng*, para. [0005]. *Teng* further discloses that “the inventory table index 44[] . . . includes . . . a record index (‘RID’) column 56 . . . and the table row RID serves as the pointer to the table row.” *Id.* Although the inventory table index 44 of *Teng* contains pointers to rows of data in the inventory table 14, the inventory table index 44 does not have a copy of a data object in the inventory table 14. In addition, “the inventory table index 44[] [of *Teng*] . . . includes . . . ‘Store’ . . . [and] ‘Model’” column headers which are also stored in the inventory table 14. *Id.* However, these column headers do not constitute the claimed “data object[s]” because these column headers do not “hav[e] . . . ID[s],” as required by claim 1. Therefore, the inventory table index 44 of *Teng* cannot correspond to the claimed “second storage location having a copy of the data object [stored in the first storage location],” as recited in claim 1 (emphasis added).

For at least the foregoing reasons, *Teng* fails to cure the deficiencies of *Lenz*. As a result, the scope and content of the prior art have not been properly determined, and the differences between the prior art and claim 1 have not been properly ascertained. Accordingly, no reason has been clearly articulated as to why the prior art would have rendered claim 1 obvious to one of ordinary skill in the art. Therefore, a *prima facie* case of obviousness has not been established with respect to claim 1.

Independent claims 11, 12, and 23, although different in scope from claim 1, are allowable for at least reasons similar to those given for claim 1. Dependent claims 2-9, 15-22, and 24-31 are allowable at least due to their dependence from allowable base claims 1, 12, and 23. Accordingly, Applicants respectfully request that the Examiner reconsider and withdraw the rejection of claims 1-9, 11, 12, and 15-31 under 35 U.S.C. § 103(a).

CONCLUSION

In view of the foregoing, Applicants respectfully request reconsideration of this application and timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to Deposit Account 06-0916.

Respectfully submitted,

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